



WORKING DRAFT

General Assembly

Raised Bill No. 5636

February Session, 2008

LCO No. **2043**

02043_____PD_

Referred to Committee on Planning and Development

Introduced by:
(PD)

***AN ACT CONCERNING RELOCATION ASSISTANCE FOR DISPLACED
RETAIL BUSINESSES AND COMPENSATION FOR OUTDOOR
ADVERTISING STRUCTURES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-268 of the 2008 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (a) Whenever a program or project undertaken by a state agency or
5 under the supervision of a state agency will result in the displacement
6 of any person on or after July 6, 1971, the head of such state agency
7 shall make payment to any displaced person, upon proper application
8 as approved by such agency head, for (1) actual reasonable expenses in
9 moving himself, his family, business, farm operation or other personal
10 property, (2) actual direct losses of tangible personal property as a
11 result of moving or discontinuing a business or farm operation, but not
12 to exceed an amount equal to the reasonable expenses that would have
13 been required to relocate such property, as determined by the state
14 agency, and (3) actual reasonable expenses in searching for a
15 replacement business or farm, provided, whenever any tenant in any

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16 dwelling unit is displaced as the result of the enforcement of any code
17 to which this section is applicable by any town, city or borough or
18 agency thereof, the landlord of such dwelling unit shall be liable for
19 any payments made by such town, city or borough pursuant to this
20 section or by the state pursuant to subsection (b) of section 8-280, and
21 the town, city or borough or the state may place a lien on any real
22 property owned by such landlord to secure repayment to the town,
23 city or borough or the state of such payments, which lien shall have the
24 same priority as and shall be filed, enforced and discharged in the
25 same manner as a lien for municipal taxes under chapter 205.

26 (b) Any displaced person eligible for payments under subsection (a)
27 of this section who is displaced from a dwelling and who elects to
28 accept the payments authorized by this subsection in lieu of the
29 payments authorized by subsection (a) of this section may receive a
30 moving expense allowance, determined according to a schedule
31 established by the state agency, not to exceed three hundred dollars
32 and a dislocation allowance of two hundred dollars.

33 (c) Any displaced person eligible for payments under subsection (a)
34 of this section who is displaced from the person's place of business or
35 from the person's farm operation and who elects to accept the payment
36 authorized by this subsection in lieu of the payment authorized by
37 subsection (a) of this section, may receive a fixed payment in an
38 amount equal to the average annual net earnings of the business or
39 farm operation, except that such payment shall not be less than two
40 thousand five hundred dollars nor more than ten thousand dollars. In
41 the case of a business no payment shall be made under this subsection
42 unless the state agency is satisfied that the business (1) cannot be
43 relocated without a substantial loss of its existing patronage, and (2) is
44 not a part of a commercial enterprise having at least one other
45 establishment not being acquired by the state, which is engaged in the
46 same or similar business. For purposes of this subsection, "average
47 annual net earnings" means one half of any net earnings of the
48 business or farm operation, before federal, state and local income

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49 taxes, during the two taxable years immediately preceding the taxable
50 year in which such business or farm operation moves from the real
51 property acquired for such project, or during such other period as such
52 agency determines to be more equitable for establishing such earnings,
53 and includes any compensation paid by the business or farm operation
54 to the owner, the owner's spouse or the owner's dependents during
55 such period.

56 (d) (1) Notwithstanding the provisions of this section, in the case of
57 displacement of a person on or after October 1, 2007, because of
58 acquisition of real property by a redevelopment agency pursuant to
59 section 8-128 of the 2008 supplement to the general statutes, a
60 development agency pursuant to section 8-193 of the 2008 supplement
61 to the general statutes, or an implementing agency pursuant to section
62 32-224 of the 2008 supplement to the general statutes, pursuant to a
63 redevelopment plan approved under chapter 130 or a development
64 plan approved under chapter 132 or 588l, the agency shall make
65 relocation payments as provided under the federal Uniform Relocation
66 Assistance and Real Property Acquisition Policies Act of 1970, 42 USC
67 4601 et seq. and any subsequent amendments thereto and regulations
68 promulgated thereunder if payments under said act and regulations
69 would be greater than payments under this section and sections 8-269
70 of the 2008 supplement to the general statutes and 8-270 of the 2008
71 supplement to the general statutes.

72 (2) In the case of acquisition of real property by a redevelopment
73 agency pursuant to section 8-128 of the 2008 supplement to the general
74 statutes or an implementing agency pursuant to section 32-224 of the
75 2008 supplement to the general statutes, payments with respect to a
76 displaced retail business shall be adjusted to reflect any increase or
77 decrease in good will. As used in this subsection, "good will" means
78 the benefits that accrue to a retail business from its location, reputation
79 for dependability, skill or quality and any other circumstances
80 resulting in probable retention of old or acquisition of new patronage,
81 and "location" means proximity to interstate highways, mass

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82 transportation, pedestrians and traffic volume, visibility and available
83 surface parking.

84 Sec. 2. Section 8-273a of the 2008 supplement to the general statutes
85 is repealed and the following is substituted in lieu thereof (*Effective*
86 *from passage*):

87 (a) Notwithstanding any other provisions of the general statutes, [to
88 the contrary,] whenever the Commissioner of Transportation
89 undertakes the acquisition of real property on a state or federally-
90 funded project which results in any person being displaced from his
91 home, business, or farm, the Commissioner of Transportation is hereby
92 authorized to provide relocation assistance and to make relocation
93 payments to such displaced persons and to do such other acts and
94 follow procedures and practices as may be necessary to comply with
95 or to provide the same relocation assistance and relocation payments
96 as provided under the federal Uniform Relocation Assistance and Real
97 Property Acquisition Policies Act of 1970, 42 USC 4601 et seq. and any
98 subsequent amendments thereto and regulations promulgated
99 thereunder.

100 (b) (1) Whenever the Commissioner of Transportation acquires an
101 outdoor advertising structure or a lease of an outdoor advertising
102 structure is terminated as part of a condemnation proceeding under
103 any provisions of the general statutes, the amount of compensation to
104 the owner of the outdoor advertising structure shall [include either (A)
105 payment for relocation costs incurred by such owner, or (B) the
106 amount] be determined in accordance with subdivision (2) or (3) of this
107 subsection. For purposes of this section, the fair market value of the
108 outdoor advertising structure shall be determined by the income
109 capitalization method.

110 (2) If the owner (A) is able to obtain, within one year of acquisition
111 by the commissioner or any additional period to which the owner and
112 the commissioner both consent, all state and local permits necessary
113 for relocation of the outdoor advertising structure to another site in the

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114 Standard Metropolitan Statistical Area, as designated in the federal
115 census, in which the outdoor advertising structure is located, and (B)
116 such site was not previously offered for sale or lease to the owner of
117 the outdoor advertising structure, then the commissioner shall pay to
118 the owner the replacement cost of the outdoor advertising structure,
119 plus the fair market value of such outdoor advertising structure less
120 the fair market value of the outdoor advertising structure at the new
121 site.

122 (3) If the owner (A) is unable to obtain, within one year of
123 acquisition by the commissioner or any additional period to which the
124 owner and the commissioner both consent, all state and local permits
125 necessary for relocation to another site in the same Standard
126 Metropolitan Statistical Area, as designated in the federal census in
127 which the outdoor advertising structure is located, or (B) such site was
128 previously offered for sale or lease to the owner of the outdoor
129 advertising structure, the commissioner shall pay the fair market value
130 of the outdoor advertising structure the commissioner has acquired.
131 The owner shall provide to the commissioner written documentation
132 sufficient to establish that all state and local necessary permits cannot
133 be obtained for relocation within one year of acquisition or any
134 additional period to which the owner and the commissioner both
135 consent or that the only available relocation sites have been previously
136 offered for sale or lease to the owner.

137 (4) Any person aggrieved by determination of the amount of
138 compensation paid under this subsection may appeal to the State
139 Properties Review Board.

140 (5) The provisions of this subsection shall not be construed to
141 authorize any action that is found to violate the provisions of 23 USC
142 131 or 23 CFR 750 or the terms of an agreement entered into by the
143 Commissioner of Transportation with the Secretary of Commerce
144 pursuant to subsection (b) of section 13a-123.

145 Sec. 3. Section 8-13a of the general statutes is repealed and the

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146 following is substituted in lieu thereof (*Effective October 1, 2008*):

147 (a) When a building is so situated on a lot that it violates a zoning
148 regulation of a municipality which prescribes the location of such a
149 building in relation to the boundaries of the lot or when a building is
150 situated on a lot that violates a zoning regulation of a municipality
151 which prescribes the minimum area of the lot, and when such building
152 has been so situated for three years without the institution of an action
153 to enforce such regulation, such building shall be deemed a
154 nonconforming building in relation to such boundaries or to the area
155 of such lot, as the case may be.

156 (b) When a use of land or building (1) is on a parcel that is fifteen or
157 more acres, (2) is included in industry numbers 1795, 2951, 3272 or
158 4953 of the Standard Industrial Classification Manual, United States
159 Office of Management and Budget, 1987 edition, (3) is not permitted by
160 the zoning regulations of a municipality, (4) has been established and
161 continued in reasonable reliance on the actions of the municipality,
162 and (5) has been in existence for twenty years prior to July 8, 1997,
163 without the institution of court action to enforce the regulations
164 regarding the use, such use shall be deemed a legally existing
165 nonconforming use and may be continued. Nothing in this subsection
166 shall be construed to exempt such use from the requirements of the
167 general statutes or of any other municipal ordinance.

168 (c) The zoning commission shall not require the removal or
169 alteration of a nonconforming structure as a condition for the issuance
170 or continuation of an approval under the zoning unless such removal
171 or alteration is necessary to achieve the development or
172 redevelopment of the property on which the structure is located in
173 accordance with a redevelopment plan approved under chapter 130 or
174 a development plan approved under chapter 132 or 588l.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>from passage</i>	8-268
Sec. 2	<i>from passage</i>	8-273a
Sec. 3	<i>October 1, 2008</i>	8-13a

Statement of Purpose:

To compensate displaced retail businesses for lost good will and to revise compensation for outdoor advertising.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]